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## \* Deportation for Membership in the Communist Party

By CAROL KING, Member of the New York Bar

On April 6, Judge Joseph C. Hutcheson, Jr., speaking for the Circuit Court of Appeals for the Fifth Circuit, held evidence insufficient to warrant the deportation of Joseph George Strecker notwithstanding membership in the Communist Party.<sup>1</sup> That Strecker had been a member of the party was undoubted as his membership book was introduced in evidence and he admitted such membership.<sup>2</sup> The opinion, without distinguishing past from present membership<sup>3</sup>—Strecker's membership had terminated two years before his arrest in 1932 because of failure to pay dues—found that there was no evidence to establish that the Communist Party believed in, advised, advocated or taught the violent overthrow of the government of the United States or of all forms of law.<sup>4</sup>

This opinion is a welcome contrast to the series of decisions which almost automatically held membership in the Communist Party sufficient to warrant deportation.

The first decision on this question, and on the interpretation of the then new statute, was in January, 1920,

1. *Strecker v. Kessler*, not yet reported, C. C. A. 5, No. 8680, Holmes, C. J. concurred in the result.

2. The facts throughout are taken from the Record.

3. In *Yokinen v. Commissioner*, 57 F.(2d) 707—1932, the Circuit Court of Appeals held August Yokinen deportable for his past membership although he had been expelled by the Communist Party for white chauvinism. The U. S. Supreme Court denied *certiorari*, 287 U.S. 607—1932. See 1 I.J.A. Bull., No. 6, p. 2.

4. The deportation of aliens for membership in proscribed organizations is generally effected under the Act of October 16, 1918 as amended by the Act of June 5, 1920, 8 U. S. C. § 137.

Reprinted from the Bulletin of the International Juridical Association, May, 1938, by the International Labor Defense, 80 E. 11th St., New York City. 257

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#2

# VICTORY

*Decision of the United States  
Supreme Court in the Case of  
Angelo Herndon, April 1937*

Full text of the majority decision setting aside the verdict  
in the Herndon case, by Justice Roberts; with the dis-  
senting opinion of the minority, by Justice Van Devanter.

*With an Introduction*

*by*

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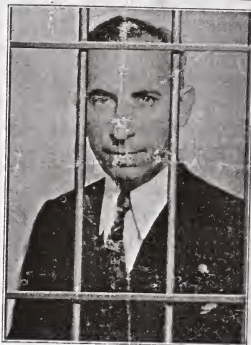
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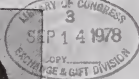
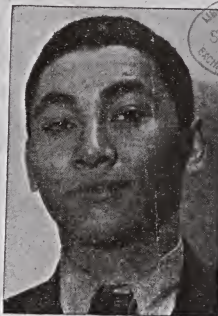
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WHAT ANGELO HERNDON FACES!



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of a  
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THE TRIAL

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A Summary of the Outstanding  
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**SACCO-VANZETTI**  
**ANTHOLOGY OF VERSE**



**EDITED BY**  
**HENRY HARRISON**

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# Massachusetts

THE

# MURDERER



*Published in May 1927 under the title*

"MASSACHUSETTS' REPUTATION AT STAKE!!!"

□ Vanzetti states the case for himself and for Sacco with clear logic and beauty to Governor Fuller of Massachusetts. □ Judge Webster Thayer revealed in his gross prejudice

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# Vanzetti's Last Statement

Monday, August 22, 1927

A RECORD BY W. G. THOMPSON

PUBLICATION FILE

Distributed by SACCO-VANZETTI NATIONAL LEAGUE

104 FIFTH AVENUE

New York City



[THE following document, which is not printed to prolong an argument, has no bearing upon the official record of the tragic case to which it forms the natural epilogue. But in human records its extraordinary character gives it a place unlike any other known to us.

—THE EDITORS]

Sacco and Vanzetti were in the Death House in the State Prison at Charlestown. They fully understood that they were to die immediately after midnight. Mr. Ehrmann and I, having on their behalf exhausted every legal remedy which seemed to us available, had retired from the active conduct of the case, holding ourselves in readiness, however, to help their new counsel in any way we could.

I was in New Hampshire, where a message reached me from Vanzetti that he wanted to see me once more before he died. I immediately started for Boston with my son, reached the prison in the late afternoon or early evening,

and was at once taken by the Warden to Vanzetti. He was in one of the three cells in a narrow room opening immediately to the chair. In the cell nearest the chair was Madeiros, in the middle one Sacco, and in the third I found Vanzetti. There was a small table in his cell, and when I entered the room he seemed to be writing. The iron bars on the front of the cell were so arranged as to leave at one place a wider space, through which what he needed could be handed to him. Vanzetti seemed to be expecting me; and when I entered he rose from his table, and with his characteristic smile reached through the space between the bars and grasped me warmly by the hand. It was intimated to me that I might sit in a chair in front of the cell, but not nearer the bars than a straight mark painted on the floor. This I did.

I had heard that the Governor had said that if Vanzetti would release his counsel in the Bridgewater case from their obligation not to disclose what he had said to them the public would be

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\* SACCO-VANZETTI

AND

\* THE RED PERIL



SPEECH MADE BY  
FRANK A. GOODWIN  
BEFORE THE  
LAWRENCE KIWANIS CLUB

JUNE 30, 1927

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~~X~~ DECISION

OF



#15

GOV. ALVAN T. FULLER

IN THE MATTER OF

~~X~~ THE APPEAL OF BARTOLOMEO VANZETTI  
AND NICOLA SACCO

FROM SENTENCE OF DEATH IMPOSED UNDER  
THE LAWS OF THE COMMONWEALTH

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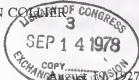
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The SACCO and  
VANZETTI HORROR

By JOHN COLLIER OF CONGRESS



Sacco and Vanzetti are North Italians. They are, and were before 1920, anarchists. One was a factory worker, the other a fish peddler. Prior to 1920, neither had any criminal record.

Both are naive idealists; in their political thinking at least, uneducated and elementary. They are simple-hearted. Both have exhibited through their years of horror since the trial, and at crises during these years, a true dignity and true sensitiveness. So much must be affirmed at the risk of seeming to be preoccupied with Sacco and Vanzetti rather than with the meaning of what has befallen them. That meaning is an awful one to those who, like the writer, have staked their hope for the world upon a social improvement to be pursued through the development of institutions.

The crime for which these men are sentenced was committed April 15, 1920, at South Braintree, Mass. It was a murder for robbery, very brutal and very efficiently conducted. The criminals made a complete get-away. Eye-witnesses had a brief glimpse of them from a distance; the testimony of these witnesses at the trial was confusion confounded.

After the date of the crime, Sacco and Vanzetti lived their usual life, carried on their usual trades, and exhibited no gain in property. Over \$15,000 had been obtained by the murderers.

After twenty days the two men were arrested, and fourteen months later they were tried. Vanzetti likewise was charged with an earlier crime—an attempted hold-up at Bridgewater. The Bridgewater charge trial was essentially a part of the Braintree trial and was absorbed into it. The probably unsustainable conviction of Vanzetti in this minor case was not appealed.

Another, though unconnected, item, in preface. Mr. Justice Holmes has not sustained the Sacco-Vanzetti conviction. He has been careful to explain that he exclusively found that Judge Thayer's court had jurisdiction; that a showing of prejudice in that court could not destroy its jurisdiction; that the United States Supreme Court had no jurisdiction.

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# SOME QUESTIONS AND AN APPEAL



X

By DR. MICHAEL A. COHN  
Brooklyn, N. Y.

X

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Sacco and Vanzetti

Speak to SEP 14 1978

Judge Thayer

The fearless words of two  
innocent men, victims of a  
legalized "frame up."

A dramatic picture of  
America perverted.



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# An American Civil Liberties Union National Committeeman in Action

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#19

## False Statements of Felix Frankfurter of Harvard Law School in Sacco-Vanzetti Case

In the *Atlantic Monthly* for March, and with the endorsement of the editor of that journal, appeared an article on the Sacco and Vanzetti case which was from start to finish grossly misleading and evidently meant to assist the Communists who were endeavoring to have their comrade-murderers escape the penalty of their crime. This article was by Professor Felix Frankfurter of the Harvard Law School, which connection lent, in the minds of the Public, plausibility to what he wrote. Now Frankfurter is also one of the National Committee of the American Civil Liberties Union, which Union makes a specialty of supporting anarchists, Communists and other subversive criminals who are endeavoring to undermine and overthrow our Government, Constitution and free institutions and play directly into the hands of the Russian Communists. Frankfurter was formerly counsel for the United States committee which, on account of its action, was known as the Mooney Whitewashing Committee, which made a palliative report in the interest of the convicted wholesale murderer, Tom Mooney, and the graft game and agitation in the Sacco and Vanzetti case bear throughout a strong resemblance to that in the Mooney case. Frankfurter also made an investigation in the Bisbee case where members of the IWW were run out of town and his report, favorable to the IWW criminals and adverse to the decent citizens, in that case was characterized by ex-President Roosevelt, in a letter to Frankfurter himself, as "as thoroughly misleading a document as could be written on the subject." Frankfurter and Ernst Freund, Frank P. Walsh, and David Wallerstein, who are also members of the American Civil Liberties Union National Committee, and with Roscoe Pound and Zechariah Chafee, Jr., who are like Frankfurter professors of law at Harvard, several members of the Committee of 48, and Jackson H. Ralston, counsel for much of the red element in union labor and at the time for Louis F. Post, were among the twelve men who published themselves as the National Popular Government League and made a series of charges against the Department of Justice which tended to blacken the characters, of members of the Department in the interest of Communists and anarchists who had been arrested for deportation. Post was then Assistant Secretary of Labor and William B. Wilson Secretary of Labor and the Department of Labor was, as Attorney General Palmer phrased it, seeking to nullify the laws of Congress by refusing to deport anarchists according to law. Post even went so far as to say that Magon, who confessed he was an anarchist and whose friends testified that he was an anarchist, was not an anarchist in order to avoid deporting him. A committee of Congress investigated these charges made by the National Popular Government League and found that they were the usual stock charges of the anarchists and Communists which these men were giving currency and very largely wholly mendacious, while such small amount of criticism as might justly have been made occasionally of some enthusiastic subordinate was twisted and magnified so as to be totally misleading.

On the American Civil Liberties Union National Committee with Frankfurter we find that right hand man of the Russian Communists, William Z. Foster, an open and professed Communist and today the leading Communist in the United States. We find Norman Hapgood, who has just issued a book in which he inverts the meanings of words and endeavors to make out that all who oppose communism are enemies of labor and that the only real progressives are those who play the Communist game. We find Morris Hillquit, who was counsel for the Russian Communists. We find Frederic C. Howe, who was exposed in his relations with the anarchists by a Congressional committee of investigation. We find Scott Nearing, a former editor of the *Revolutionary Age* which undertook to put over the most extreme teachings of Lenin and encouraged boring-from-within in our Army and Navy in endeavoring to make our soldiers and sailors traitors to the country. We find Robert Morss Lovett of the University of Chicago who recently, at Jane Addams' Hull House in Chicago, addressed an IWW meeting held there at which he undertook to justify the murder by the IWW of American Legion men at Centralia. We find Jane Addams, head of the Women's International League for Peace and Freedom and formerly, like Frank P. Walsh, Lynn J. Frazier, Amos Pinchot, Frederic C. Howe, Timothy Shea, William Lemke, Glenn E. Plumb, etc., a vice-president of the Public Ownership League of America, on whose Executive Committee we find Duncan McDonald, the Communists' first choice for President in 1924; Edward F. Dunne, an open supporter of the Communists and others of the same stripe. Miss Addams is a great friend of Robert Morss Lovett, whom she got to address the summer meeting of the Women's International League

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A SYLLABUS

on the

SACCO - VANZETTI CASE

prepared by

EDWARD HOLTON JAMES

and

LUTHER EMANUEL WIDEN

for the use of students who desire to familiarize  
themselves with the dates, clues, geographical  
locations, evidence, witnesses, officials and the  
facts related to the crimes committed in Bridge-  
water on December 24, 1919 and in South Braintree  
on April 15, 1920 with the subsequent arrest on  
May 5, 1920 of Bartolomeo Vanzetti and Nicola Sacco  
and their conviction and sentence for murder.

PUBLISHED BY THE AUTHORS

at 46 Mt. Vernon St.

BOSTON

1927

-\*-

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*The case*  
*of*  
**Sacco**  
*and*  
**Vanzetti**  
*in*  
**CARTOONS** *from*  
**THE DAILY WORKER**  
*by* **Ellie**

WEEK  
ENDING  
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Comedy -



In this Issue  
**THE LAW'S DELAY** Tracing the Wanderings  
of 'Blind Justice' in the **SACCO-VANZETTI CASE**

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April, 1929.

MASSACHUSETTS NEVER TO HEAR END OF SACCO-VANZETTI CASE

NEWSBOYS THREATENED WITH LOSS OF JOBS IF THEY DISTRIBUTE  
 STUDENT MAGAZINE CONTAINING ARTICLE "PRESIDENT LOWELL SHOULD EXPLAIN"

"The more that time contributes to knowledge in the matter of the Sacco-Vanzetti case the less is the credit reflected on the State of Massachusetts and its prominent citizens."

(From an editorial in the New York Telegram, March 16, 1929)

The editorial mentioned above refers to the conduct of President A. Lawrence Lowell, of Harvard University, who tried to suppress a serious mistake he made in examining alibi witnesses for Sacco at the Advisory Committee hearings. Before this editorial was much more than printed, another revealing incident concerning Harvard University and the Sacco-Vanzetti case appeared in the press to give added weight to the judgment expressed, in the Telegram's editorial.

An Associated Press dispatch from Boston which appeared in the New York Times and the World, March 22, tells the story of the attempt to prevent the circulation of a magazine containing an article "President Lowell should explain".

"A venture of undergraduate Socialists at Harvard University into the periodical field met with its first reverse today. A corps of newsboys engaged to deliver their new magazine, The Harvard Progressive, announced their withdrawal from the Socialists' employ. They had been warned that they would lose their regular employment if they undertook the new jobs, they said.

"Because of the action of the newsboys, the debut of the magazine, which has been awaited by the Harvard student body with interest, has been postponed until Monday. The embryo editors may have to deliver their production.

"It was learned that the warning to the newsboys ensued after the substance of the leading article in the issue became known. Under the title "President Lowell should explain", the article, written by Gardner Jackson, a Harvard graduate, deals with the connection of many Harvard men with the Sacco and Vanzetti murder case. Jackson was chairman of the Sacco-Vanzetti defense committee, a body that tried unsuccessfully to save the two radicals from the electric chair."

EX-GOVERNOR FULLER'S AMBITIONS GET ANOTHER BLOW  
 DEATH OF SACCO AND VANZETTI AGAIN RUINS HIS HOPES OF LANDING JOB

To Alvan T. Fuller's bitter disappointment in not getting the Republican nomination for vice-president as a reward for his heroism in sending Sacco and Vanzetti to death, must be added another sad slip-up to his ambitions. The following despatch from the New York World's Washington Bureau appeared March 22:



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#24

# \*Walled In This Tomb



## \*Questions Left Unanswered

by the

Lowell Committee

in the

Sacco-Vanzetti Case

And Their Pertinence in Understanding the Conflicts  
Sweeping the World at This Hour.



For Especial Consideration by the Alumni of  
Harvard University  
During Its Tercentenary Celebration

\*

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# Walled In This Tomb



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## Questions Left Unanswered

by the

Lowell Committee

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Sacco-Vanzetti Case

And Their Pertinence in Understanding the Conflicts

Sweeping the World at This Hour

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During Its Tercentenary Celebration

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# A Sacco Revolver Expert Revealed

By ARTHUR WARNER



(Reprinted from The Nation of December 7, 1927)

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## A SUMMARY OF THE SACCO-VANZETTI CASE

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NEW PROOF OF VANZETTI'S INNOCENCE

November 1

SEP 14 1937

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#32

"Vanzetti was innocent. Frank Silva confesses Bridgewater crime. With this sensational announcement on the cover page, the Outlook magazine for October 31, just off the press, strikes a hard blow at the hopes of those who thought to silence the Sacco-Vanzetti case finally and forever by the execution of the two men.

In a front-page story, the New York World of October 29, gives an account of the investigation of the Bridgewater case carried on by the Outlook for the past few months. Commenting upon the conclusions brought out by the investigation, an editorial in the same paper, entitled "The Ghost of Banquo", says that "it establishes an overwhelming presumption that Vanzetti had nothing to do with the Bridgewater crime at all."

The New York Times of the same date carries a prominent two column account of the results of the Outlook investigation under the headlines "Absolves Vanzetti of guilt in a hold-up", and other New York papers have similar stories. The news of this startling investigation will be flashed on press service wires to the rest of the country and again thousands will read of the two Italian workers whose fate stirred and will long stir the world.

As the editorial in the world says "the celebrated case, then, rises from the grave to haunt all who were connected with it. The Commonwealth of Massachusetts now faces a reckoning. It can no more ignore these findings than it can ignore Judgment Day".

Practically the entire contents of the Outlook has been given over to "The truth about the Bridgewater hold-up, the first of the crimes for which Vanzetti was convicted". There is the story of Frank Silva, gangster, who confesses that the idea of holding up the L. J. White Shoe Company in Bridgewater came to him after he had worked there some time in 1917 and quit because he "wasn't getting much of a salary". Following this is the narrative of Jack Callahan who found Silva and got his story. Callahan, a former underworld man, himself, familiar with the ways of criminal gangs, tells the adventures and obstacles he encountered in tracking down his man. A third article by Silas Bent, a journalist of high reputation, describes how he checked up on the confession of Silva at every possible point, and interviewed among others, the men on the truck that was held up.

To round out the investigation and fill in the background of the case, showing the prejudice with which it was surrounded, some of the testimony of the trial itself is reprinted. Vanzetti claimed that the lawyer who tried the Bridgewater case for him, John Vahey, deliberately neglected his case. Two things in particular strongly bear out Vanzetti's charge. For one thing, it is noted that Mr. Vahey later became a partner of the prosecuting attorney. Secondly, how Vahey slighted his preparation of the case is illustrated by his lack of effort to obtain documentary evidence backing up Vanzetti's claim that a barrel of eels was delivered to him just before Christmas. An express receipt showing that the eels were shipped to Vanzetti as he claimed, could have been obtained from the files of the snapper for and being. It is strange that an attorney sincerely concerned for

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CONGRESS OF THE  
United States  
New York, N.Y.  
#33

begun and held at the City of New York on  
Wednesday the 1st day of March, one thousand seven hundred and eighty nine.

# THE BILL OF RIGHTS

*in  
Danger!*

And  
The Senate, and the House of Representatives  
have passed the bill.

By ROBERT W. DUNN

5c

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#34

# THE \*DEPORTATIONS

STATEMENT BY THE  
AMERICAN MINISTER TO BELGIUM

By: Mr. Brand. \*Whitlock

T. FISHER \*UNWIN, LTD.  
1 ADELPHI TERRACE, LONDON

1917

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# **AMERICAN DEPORTATION AND EXCLUSION LAWS**

*A Report Submitted by Charles Recht, Counsel,  
to the N. Y. Bureau of Legal Advice,  
January 15, 1919*

James Madison, arguing before the Virginia Assembly in behalf of a resolution condemning the Alien and Sedition Law of 1798 said:

"Could a power be given in terms less definite, less particular, and less precise? To be dangerous to public safety, to be suspected of secret machinations against the government, these can never be mistaken for legal rules or certain definitions . . . . It is rightly affirmed, therefore, that the act unites legislative and judicial powers to those of the executive . . . . that this union of power subverts the principle of free government . . . . And it must be wholly immaterial whether unlimited powers be exercised under the name of unlimited powers, or be exercised under the name of unlimited means of carrying into execution limited powers."

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# **Since the Buford Sailed**



## **A Summary of the Developments in the Deportation Situation**

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138 West 13th Street, New York City

June, 1920  
Price 5 Cents

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**\*Deportation Cases  
of 1919-1920**

A Study by

CONSTANTINE M. ANUNZIO, M. A.



**COMMISSION ON THE CHURCH  
AND SOCIAL SERVICE**

**\*FEDERAL COUNCIL OF THE CHURCHES  
OF CHRIST IN AMERICA**

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May 1-7559-2-880

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# The Attempted Deportation

of



+38

# John Strachey

Abstract of the proceedings  
before the District Director  
of Immigration at Chicago.

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May 1935

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*The Deportation of  
Alien Communists*



A BROADCAST

BY

REV. RAYMOND T. FEELY, S. J.  
PROFESSOR OF INDUSTRIAL ETHICS  
UNIVERSITY OF SAN FRANCISCO

APRIL 28, 1938



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## Shall Aliens

#40

### Who Cannot Be Deported Be Indefinitely Imprisoned?

*X Deportation of Aliens*

★

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The facts concerning the Hobbs Bill (H.R. 5643) passed by the House of Representatives on May 5, 1939 by a vote of 288 to 61, without previous Committee hearings; and reported favorably without hearings to the Senate by the Judiciary Committee.

*Though opposed by the State and Labor Departments the bill is well on the road to passage.*

*Read the facts and take the action outlined on the back page.*

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*Shall Aliens Advocating  
Any Changes In Our  
Form of Government*

*Be Deported?*

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*X Deported*

**A** BILL (H.R. 4860) to this effect, introduced by Rep. Dempsey of New Mexico, a member of the Dies Committee, passed the House "by unanimous consent" on March 23, 1939 without roll call or debate. It is now pending before the Senate Immigration Committee.

**READ THE FACTS AND TAKE THE  
ACTION INDICATED ON  
THE LAST PAGE**



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December, 1939

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# the deportation drive

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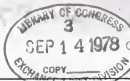
## the bill of rights



THE ~~Mc~~CARRAN ACT AND THE FOREIGN BORN

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## Who Shall Be Deported?

M. M. MANGASARIAN.

148

A number of our reputable citizens are protesting against the arrest and deportation of the "reds." It is claimed by them that both the letter and the spirit of the Constitution are violated when Socialists, Communists and Anarchists are either sent to jail or out of the country for opposing the government of the United States.

Let us try to look the facts in the face and interpret them, as much as possible, without passion. I am encouraged to find so strong a sentiment in this country in favor of freedom of speech. We can not think of any political doctrine which is more indispensable to good government or more fundamental for democracy than freedom of tongue and pen. It is the American idea that all shall enjoy the right to hold and advocate any economic, political or theological views in which they believe, and which they wish to see spread. The Socialist, the Syndicalist and the Anarchist should be as free to preach and propagate his faith as is the republican, the democrat, the presbyterian or the rationalist.

Fresh air is necessary to the health of the body, and to have fresh air there must be ventilation. In the same way there must be unhindered circulation of ideas if we are ever to arrive at the truth. So far we are all of one mind.

But America never contracted the obligation to protect conspirators, or preachers of violence. It never has recognized the right of a citizen under the Constitution to use force as a weapon of propaganda. And this—not from fear, nor from caprice, but from principle. Violence and freedom can not co-exist in the same community. The one is the negation of the other. Freedom *must* destroy violence, and violence if permitted or even winked at *will* destroy freedom. Even as we deny to the ecclesiastics the right to coerce the people into one church or an-

Send for list of Mr. Mangasarian's publications, Independent Religious Society, 8 So. Dearborn St., Chicago.